

CENTRAL FAX CENTER

AUG 08 2006

S/N 10/781,424
Amendment A

Page 5

REMARKS

For the reasons given in the paper filed on May 9, 2006, the rejection of Claims 1-13 under 35 U.S.C. § 102(b) as being anticipated by Allen et al is respectfully traversed. Applicant appreciates that the current Office Action has been made Final. However, because the Examiner's Response to Arguments provided on page 2 of the Office Action does not address the arguments made or what is being claimed in at least with respect to Claims 1-5, it is believed that, under the circumstances, additional consideration should be given to the application. In addition, amendments to Claims 1, 5, 6 and 10 are provided in this paper to further clarify and distinguish the invention over Allen et al.

First, with respect to the Examiner's Response as it relates to Claims 1-5, the Examiner's comment that because the medical pack has refillable bottles the pack has to be brought back to the physician to refill the bottles is simply not the case. Even if bottles have to be refilled there are many other ways of doing so including having the patient refill the bottles at a pharmacy. It is well established in patent law that for anticipation purposes a step that is inherent in a reference must occur every time. Thus, Allen et al does not disclose, or even suggest for that matter, the claimed step of returning the medical pack of Claim 1 to the physician. Moreover, the Examiner's comments relating to the patient's visit to the physician have no bearing on the claims and in particular to Claim 5 where the physician and the patient evaluate the medical pack. However, in order to further clarify the claims, Claim 1 has been amended to be more specific in that the evaluation is being done for compliance reasons. Claim 5 has been amended to indicate that medical pack includes an inventory data sheet to aid in the monitoring of said usage of the medical supplies and medication. These amendments do not include new matter.

Regarding Claims 6-13, it appears that from the Examiner's comments he did not believe that a plurality of *different* medical packs were required. Because there might

S/N 10/781,424
Amendment A

Page 6

be some ambiguity in Claims 6 and 10 as originally worded, these claims have been amended to make explicit that different medical packs are required for different medical conditions. As a result and because Allen et al only discloses one type of kit that can be used in treating fixation pin sites and there is no mention of the claimed step of developing medical packs for a plurality of medical conditions, Allen et al does not anticipate or even make obvious the subject matter of Claims 6-13.

As indicated in the applicant's previous paper, the claimed methods provide substantial advantages over prior art medical packs in that the methods, Claims 1-5, can result in increased compliance with a course of treatment prescribed by a physician and, the methods of Claims 6-13 can result in substantial efficiencies in allowing physicians to save time in treating a variety of medical conditions as described in detail on page 4, lines 20-31 of the application.

In view of the above, it is respectfully requested that the Examiner reconsider the rejections of Claims 1-13 and enter the amendments to the claims. If the Examiner declines to consider these remarks or refuses entry of the amendments to the claims or renews the rejections, it is respectfully requested that an Advisory Action be mailed as soon as possible in order that a Notice of Appeal can be filed without having to request an Extension of Time. This paper is being filed within the Two-month period mentioned in the Office Action. In the meantime, if the Examiner believes it would be useful, the undersigned attorney would be pleased to discuss the claims by telephone.


It is believed that no fee is due for this paper. However, if a fee is due please charge Deposit Account No. 13-2495 for any fees incurred herein.

It is, therefore, respectfully requested that the amendment to Claims 1, 5, 6 and 10 be entered and that application issue to Letters Patent with Claims 1-13 forming a part thereof.

S/N 10/781,424
Amendment A

Page 7

Respectfully submitted,


Michael B. McMurry
Registration Number 26,954

Dated: August 8, 2006

Michael B. McMurry
1210 Astor Street
Chicago, Illinois 60610
Telephone (312) 664 1086
Facsimile (312) 664 1087